

November 12, 1996

OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON

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REPORT AND RECOMMENDATION TO THE KING COUNTY COUNCIL.

SUBJECT: Department of Development and Environmental Services File No. **L95P0020**
Proposed Ordinance No. **96-730**

GLACIER ESTATES
Preliminary Plat Application

Location: Generally south of SE 276th Street and west of Maple Valley-Black
Diamond Road (SR 169)

Applicant: Landus Group
23813 SE 276th Street
Maple Valley, WA 98038
(206) 432-3616

Owner: Same as above

SUMMARY OF RECOMMENDATIONS:

Division's Preliminary:	Approve, subject to conditions
Division's Final:	Approve, subject to conditions, (modified)
Examiner:	Approve, subject to conditions (modified)

PRELIMINARY MATTERS:

Application or petition submitted:	October 5, 1995
Department Preliminary Report issued:	September 17, 1996

EXAMINER PROCEEDINGS:

Hearing Opened:	October 1, 1996, 9:15 a.m.
Hearing Closed:	November 11, 1996, 3:30 p.m.

Participants at the proceedings and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the Office of the King County Hearing Examiner.

ISSUES ADDRESSED:

- ◆ school enrollment
- ◆ density/zoning
- ◆ sewers
- ◆ access/roads
- ◆ drainage

FINDINGS, CONCLUSIONS & RECOMMENDATION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:
Owner/Developer: Landus Group
23813 SE 276th Street

Maple Valley, WA 98038
 (206) 432-3616

Engineer: Baima & Holmberg, Inc.
 100 Front Street South
 Issaquah, WA 98027
 (206) 392-0250

STR: 34-22-05

Location: Generally south of SE 276th Street and west of Maple Valley-
 Black Diamond Road (SR 169)

Zoning: R-6P

Acreage: 10.3

Number of Lots: 59

Density: 5.7 dwelling units per acre

Typical Lot Size: Ranges from approximately 4,698 to 6,300 square feet

Proposed Use: Single-family detached

Sewage Disposal: Soos Creek Water & Sewer District

Water Supply: Covington Water District

Fire District: King County District No. 43

School District: Tahoma School District

Complete Application Date: October 5, 1995

2. Landus Group (the "Applicant") proposes to subdivide a 10.38-acre parcel into 59 single-family residential building lots. As the subject property is classified R-6P, the proposed 5.7 dwelling units per acre is well within the authorized density range. Contrary to Section B of the Department of Development and Environmental Services (the "Department", or "DDES") Preliminary Report to the Hearing Examiner dated October 1, 1996, the lot sizes range from approximately 4,698 to 6,300 square feet. Other corrections to the findings and analysis contained in the Department's Preliminary Report are these:
 - a. The proposed Ordinance No. is 96-730. This number had been left incomplete on page 1 of the Department's Preliminary Report.
 - b. The southerly abutting school is "Glacier Park Junior High", **not** Glacier Park Elementary, as erroneously reported in Section G, page 3, of the Department's Preliminary Report.
3. An Environmental Impact Statement is not required. On July 23, 1996, the Department issued a threshold determination of non-significance ("DNS"). That is, the Department issued its public declaration that it had concluded that the proposed development would not cause probable significant adverse impacts on the environment; and that, therefore, an Environmental Impact Statement ("EIS") would not be required to review this development proposal. No agency or person appealed that determination.
4. The Department recommends granting preliminary approval to the proposed development, subject to the 20 recommended conditions of final plat approval contained on pages 7 through 10 of the Department's Preliminary Report, subject to the modifications stated in Exhibit No. 17 of this hearing record. Those modifications would accomplish the following:
 - a. Recommended Condition No. 9.d. Tract F shall be designated as a joint-use driveway, 20 feet wide with 18 feet of paved surface. Tract F provides access to proposed Lot Nos. 15 and 16, located in the southeast corner of the subject property.
 - b. Recommended Condition No. 9.e. Delete. This condition would have required a separate "Tract G" to provide school access walkway "along" the southerly abutting junior high school property. See paragraph 4.d., below.
 - c. Recommended Condition No. 16. Delete the language contained in the Department's Preliminary Report and substitute the following: "Lots 15 and 16 shall have undivided ownership of Tract F and be responsible for its maintenance." As now proposed, Tract F would be the only joint ownership access tract. The deleted language would have required joint ownership of certain access tracts that are now eliminated by the Applicant's revised preliminary plat drawing.
 - d. Recommended Condition No. 19. The pedestrian tract language contained on page 9 of

the Department's Preliminary Report is replaced by the improved language contained on Exhibit No. 17. Both require a pedestrian access tract to the south boundary, to be 10 feet wide and improved with a five-foot-wide paved surface and a four-foot-high chain link fence, unless otherwise approved by DDES. Both the prior language and the new language require review and approval by the Tahoma School District prior to engineering plan approval.

5. The Applicant accepts the Department's recommendation as described in Finding No. 4, above.
6. The hearing record contains no opposition to the proposed development. However, through both correspondence and hearing participation, neighboring property owners express concern or ask questions regarding these topics:
 - a. School Enrollment Impact. Whereas the local newspaper reports excessive elementary school enrollment (Exhibit No. 20), the School District reports adequate projected capacity through 1999 (Exhibit No. 21). The projection is based upon district-wide capacity. Individual school capacity problems are often addressed by altering attendance area boundaries or other administrative measures. The Applicant will be required to pay a school enrollment impact fee of \$2,725 per lot in order to mitigate the school enrollment impact expected to be generated by Glacier Estates.
 - b. Density/Zoning. The subject property is located within an area designated "urban" by the King County Comprehensive Plan. The R-6 zoning classification on this property is consistent with that designation. The proposed density of development is consistent with the zoning classification, as indicated in Finding No. 2, above. No change in this zone classification is anticipated by the Department Staff.
 - c. Sewers. Access to an existing sewer main will be obtained by the Applicant, at the Applicant's own expense, from the existing main located on the southerly abutting Glacier Estates Junior High School property. No fees will be charged to neighboring property owners. Nor will neighboring property owners be required to hook up to the newly extended sewer, except in the case of a septic system failure or in the case of a remodel application which would likely increase effluent discharge (e.g., additional bedrooms).
 - d. Access. The proposed development will obtain access to Maple Valley-Black Diamond Road (SR 169) via SE 276th Street. Recommended Condition No. 14 requires that, "Off-site access to the subdivision shall be over a full-width, dedicated and improved road which has been accepted by King County for maintenance". Recommended Condition No. 9.b requires that SE 276th Street, off-site between the east line of the subdivision and SR 169, "shall be designed full width to the rural neighborhood collector standards", unless otherwise approved by the Department.

At the SE 276th Street/SR 169 intersection, the Applicant will be required to provide a left-turn pocket on SR 169 to serve northbound left turns into the site, **and** a right-turn pocket on SR 169 to serve the southbound right turns into the site. Channelization and illumination of the intersection must be provided subject to WSDOT review and approval. The need to provide transition paving to the SR 169 section incidentally will provide a "de facto" acceleration lane northbound. See Recommended Condition No. 8 as recommended by the Department.
 - e. Drainage. Rooftop drainage will be infiltrated on-site within each individual lot. The Applicant is required to provide an infiltration facility consistent with the soil capacities extant and consistent with the stormwater volumes to be discharged by internal circulation roads. The infiltration facility will be subject to review and approval consistent with the 1990 King County Surface Water Management Design Manual.
7. Except as noted above, the facts and analysis contained in the Land Use Services Division Preliminary Report dated October 1, 1996 are correct and are incorporated here by reference. A copy of the Land Use Services Division report will be attached to those copies of the examiner's report which are submitted to the King County Council.
8. Any portion of any of the following conclusions which may be construed as a finding is incorporated here by reference.

CONCLUSIONS:

1. Based upon the whole record, and according substantial weight to the determination of environmental significance made by the Environmental Division, it is concluded that approval of this subdivision as recommended below would not constitute a major action significantly affecting the quality of the environment. All evidence of environmental impact relating to the proposed action and reasonable alternatives to the proposed action have been included in the review and consideration of this action.
2. If approved subject to the conditions recommended below, the proposed subdivision will comply with the goals and objectives of the Comprehensive Plan, Subdivision and Zoning Codes, and other official land use controls and policies of King County.
3. If approved subject to the conditions recommended below, this proposed subdivision will make appropriate provision for the public health, safety and general welfare and for drainage ways, streets, other public ways, water supply, and sanitary wastes; and it will serve the public use and interest.
4. The conditions recommended in the Land Use Services Division's Preliminary Report as amended below are in the public interest and are reasonable requirements.

RECOMMENDATION:

GRANT preliminary approval to the proposed plat of GLACIER ESTATES, as depicted in the revised preliminary plat drawing by the Department of Development and Environmental Services on October 22, 1996 and entered in this hearing record as Exhibit No. 16, SUBJECT to the 20 conditions of final plat approval stated on pages 7 through 10 of the Department's Preliminary Report to the Hearing Examiner dated October 1, 1996 (Exhibit No. 2), AS AMENDED by Exhibit No. 17 of this hearing record (a copy of which is appended to this Report and Recommendation).

RECOMMENDED this 12th day of November, 1996.

R. S. Titus, Deputy
King County Hearing Examiner

TRANSMITTED this 12th day of November, 1996, to the following parties and interested persons:

Leona Bauch	Shupe Holmberg
Ken Krueger	King Conservation District
Landus Group	Alline McCann
John L. Scott Land Dept.	WSDOT NW Region
Robert Wygant	
Kim Claussen, DDES/Land Use Services Division	
Tom Koney, Metropolitan King County Council	
Paulette Norman, King Co. Dept. of Transportation	
Michaelene Manion, DDES/Land Use Services Division	
Lisa Pringle, DDES/Land Use Services Division	
Steve Townsend, DDES/Land Use Services Division	
Bruce Whittaker, DDES/Land Use Services Division	

NOTICE OF RIGHT TO APPEAL
AND ADDITIONAL ACTION REQUIRED

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) on or before November 26, 1996. If a notice of appeal is filed, the original and 6 copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council on or before December 3, 1996. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer action,

may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council approving or adopting a recommendation of the Examiner shall be final and conclusive unless a proceeding for review pursuant to the Land Use Petition Act is commenced by filing a land use petition in the Superior Court for King County and serving all necessary parties within twenty-one (21) days of the date on which the Council passes an ordinance acting on this matter.

MINUTES OF THE OCTOBER 1, 1996, AND NOVEMBER 4, 1996, PUBLIC HEARING ON FILE NO. L95P0020 - GLACIER ESTATES:

R. S. Titus was the Hearing Examiner in this proceeding. Participating at the hearing were Kim Claussen and Bruce Whittaker, representing King County; Shupe Holmberg, Alline McCann and Ken Krueger.

The following exhibits were offered and entered into the hearing record:

Exhibit No. 1	Department of Development and Environmental Services File No. L95P0020
Exhibit No. 2	Department of Development and Environmental Services preliminary report dated October 1, 1996
Exhibit No. 3	Application dated October 5, 1995
Exhibit No. 4	Environmental checklist dated October 5, 1995
Exhibit No. 5	Declaration of non-significance dated July 23, 1996
Exhibit No. 6A	Affidavit of Posting indicating August 31, 1996, as date of posting and September 4, 1996, as date the affidavit was received by the Department of Development and Environmental Services
6B	Second Affidavit of Posting indicating October 4, 1996, as date of posting
Exhibit No. 7	Plat map dated August 26, 1996 (revision)
Exhibit No. 8	Land Use Map E/W 34-22-6
Exhibit No. 9	Assessors maps Section 34-22-6
Exhibit No. 10	Conceptual drainage plan (revised), received August 29, 1996
Exhibit No. 11	Conceptual road plan (Southeast 276th Street - off-site) received August 29, 1996
Exhibit No. 12	Letter (King County Property Services) dated July 19, 1995 (with attachments) re: trail crossing/special use permit
Exhibit No. 13	Traffic study prepared by Transpo dated January 31, 1996
Exhibit No. 14	WSDOT letter dated March 8, 1996
Exhibit No. 15	Certificate of Water Availability (Covington Water District) - May 17, 1996
Exhibit No. 16	Revised plat map (received October 22, 1996)
Exhibit No. 17	Revised recommendations (Nos. 9.d and e, 16, and 19) dated October 22, 1996
Exhibit No. 18	Fax received November 4, 1996, from Leona Bauch
Exhibit No. 19	Board of Health Rules and Regulations excerpt (13.04.050)
Exhibit No. 20	Article from September 25, 1996, <u>Voice of the Valley</u> , entitled "TAHOMA: Elementary enrollment capped"
Exhibit No. 21	Summary of School District Capacities and Impact Fees
Exhibit No. 22	Letter dated January 22, 1996, from Geospectrum Consultants, Inc. re Infiltration Feasibility Study

RST:gb/var
Attachment
l95p0020.rpt